

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ANTHONY RAY DAILEY, #60533080 §

VS. § CIVIL ACTION NO. 6:07cv281
CRIMINAL ACTION NO. 6:04cr67

UNITED STATES OF AMERICA §

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court referred the above-entitled and numbered civil action to United States Magistrate Judge Judith K. Guthrie. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of this motion to vacate/correct illegal sentence pursuant to 28 U.S.C. § 2255.

Petitioner filed a twenty-six page Objection to the Report and Recommendation. The Objections exceeds the twenty-page limit. Rule CV-3, Local Rules for the Eastern District of Texas. The Court therefore ordered the Clerk of Court to strike the Objections (dkt#69), and notified Petitioner that he could refile the Objections with the length being no more than twenty pages, within ten days of receiving the Order. Instead of refiling the objections, Petitioner filed a motion of mandamus asking that the District Court be ordered to review the objections *de novo*.

This Court finds that the Magistrate Judge's findings and conclusions are correct, and adopts them as the Court's findings and conclusions. The Court therefore

ORDERS, ADJUDGES, and DECREES that this action is DISMISSED WITH PREJUDICE;

ORDERS that Petitioner is **DENIED** a certificate of appealability; and

ORDERS that all motions not previously ruled on are denied.

SIGNED this 14th day of October, 2008.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE